



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8895

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gabriel MARTINEZ,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about October 31, 2007 within the Southern District of California, defendant Gabriel MARTINEZ did knowingly and intentionally import approximately 63.50 kilograms (139.70 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Sara Galvan, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 1st
DAY OF NOVEMBER, 2007.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Gabriel MARTINEZ

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and
6 information provided to U.S. Immigration and Customs Enforcement Special Agent
7 Sara Galvan.

8 On October 31, 2007, Gabriel MARTINEZ entered the United States at the
9 Calexico West, California Port of Entry. MARTINEZ was the driver and sole occupant
10 of a 1988 Chevrolet Blazer. United States Customs and Border Protection Officer
11 (CBPO) Stewart took a negative customs declaration from MARTINEZ. MARTINEZ
12 and the vehicle were referred to secondary for further inspection.

14 Once in secondary, CBPO Carp inspected the vehicle driven by MARTINEZ
15 which revealed a total of sixteen (16) packages concealed on all four tires of the
16 vehicle. The packages contained a green leafy substance. CBPO Carp probed a
17 package that produced a green leafy substance that tested positive for marijuana. The
18 total weight of the packages was 63.50 kilograms (139.70 pounds).

20 Special Agents (S/A) Sara Galvan and Doug Struckmeyer interviewed
21 MARTINEZ. S/A Galvan read MARTINEZ his constitutional rights per Miranda, in
22 English, with S/A Struckmeyer present as a witness. MARTINEZ stated he had no
23 knowledge of the controlled substances within the 1988 Chevrolet Blazer. MARTINEZ
24 stated he had borrowed the vehicle from his friend to run some errands. MARTINEZ
25 stated he picked up the vehicle at the "AA" parking in Calexico, CA at approximately
26 1200 hours and crossed it into Mexico. Upon his re-entry back into the United States,
27 he was to return the vehicle back to the "AA" parking lot in Calexico, CA.
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